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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,475	03/23/2001	Benjamin O. Roderique	010031	5333

7590 10/14/2004
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EXAMINER

NGUYEN, DUC M

ART UNIT PAPER NUMBER

2685

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/815,475	Applicant(s) RODERIQUE, BENJAMIN O.	
	Examiner Duc M. Nguyen	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to applicant's response filed on 9/13/04. Since Applicant's arguments are persuasive, the finality of the Office Action mailed on 7/9/04 is withdrawn. Claims 5-23 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **5-23** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Wilk** (US 6,768,789) in view of **Chow et al** (US Pat. Number 6,654,615).

Regarding claim **5**, **Wilk** discloses a method and system for handling an incoming call for a wireless device (see **Figs. 1-2**), comprising:

- receiving an incoming call at the wireless device (see **col. 5, lines 5-16**);
- identifying a source of the incoming call, and selecting, at the wireless device, one of plurality of pre-recorded messages stored in a voice message mailbox based on the identified source as claimed (see **Figs. 1-2, col. 3, lines 35-44 and col. 5, lines 30-48**).
- transmitting an identification of the message to the wireless communication system for handling the incoming call (see **Fig. 2, col. 5, lines 30-48**).

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Here, although **Wilk** is silence on the control channel for receiving the incoming call and for transmitting the selection, the utilization of such control channel for handling incoming calls is known in the art as disclosed by **Chow** (see **col. 4, lines 43-54**).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide the above teaching of **Chow** to **Wilk** for using a control channel as claimed, to prevent unnecessary allocation of voice channels until the called party decides to answer the call (see **Chow, col. 4, lines 46-53**).

Regarding claim 6, the claim is rejected for the same reason as set forth in claim 5 above. In addition, since the return selection is transmitted over the control channel as disclosed by **Chow** (see col. 4, lines 46-49), it would have been obvious to one skill in the art that a registration frame would be used for transmitting such selection, in order to utilizing the allocated control channel for transmission of the return selection.

Regarding claims 7-8, the claims are rejected for the same reason as set forth in claim 5 above. In addition, **Wilk** discloses the user of the wireless device uses keypad to enter (manually select) a code identifying which message to be used for which number (see col. 5, lines 38-48).

Regarding claim 9, the claim is rejected for the same reason as set forth in claim 5 above. In addition, **Wilk** discloses the step of identifying a source of the incoming call, and the selection is based on the identified source as claimed (see caller ID, **col. 5, lines 38-48**).

Regarding claim 10, the claim is interpreted and rejected for the same reason as set forth in claim 5 above. In addition, since **Wilk** discloses the step of handling incoming call automatically (see col. 6, lines 30-39), it is clear that **Wilk** would disclose

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the "phone book" as claimed, in order to personalize messages corresponding to the matched telephone number of the incoming call.

Regarding claim 11, the claim is interpreted and rejected for the same reason as set forth in claim 5 above. In addition, since **Chow** discloses a default pre-recorded message (see col. 40, lines 45-57), it would have been obvious to one skilled in the art at the time the invention was made to further modify **Chow** and **Wilk** to provide a default message as claimed, in order to return a response regarding the status of the call to the caller (i.e, unknown callers not in the user's list).

Regarding claim 12, the claim is rejected for the same reason as set forth in claim 11 above, whereas it would have been obvious to play back a default pre-recorded message as claimed, in order to return a response regarding the status of the call to unknown callers.

Regarding claims 13-14, the claims are rejected for the same reason as set forth in claim 5 above.

Regarding claim 15, the claim is rejected for the same reason as set forth in claim 6 above.

Regarding claim 16, the claim is rejected for the same reason as set forth in claim 10 above. In addition, **Wilk** discloses the selection is performed automatically (see col. 6, lines 30-40).

Regarding claim 17, the claim is rejected for the same reason as set forth in claim 7 above.

Regarding claim 18, the claim is rejected for the same reason as set forth in claim 8 above.

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Regarding claim **19**, the claim is rejected for the same reason as set forth in claim 10 above. In addition, **Wilk** discloses the identifying step as claimed (see caller ID, col. 5, lines 38-48).

Regarding claim **20**, the claim is rejected for the same reason as set forth in claim 10 above.

Regarding claim **21**, the claim is rejected for the same reason as set forth in claim 11 above.

Regarding claim **22**, the claim is rejected for the same reason as set forth in claim 13 above. In addition, it is clear that when the user is in the meeting mode, the user would not want to receive any incoming call (see **Wilk**, col. 6, lines 30-40), and since **Wilk** discloses manually or automatically setting the phone while in a "meeting mode", this meeting mode would read on the "unavailable mode" as claimed.

Regarding claim **23**, the claim is rejected for the same reason as set forth in claim 10 above. In addition, **Wilk** disclose the recording step as claimed (see col. 4, lines 10-25, col. 3, lines 35-44).

Response to Arguments

3. Applicant's arguments with respect to claims 5, 13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bremer (US 6,018,671), Silent call accept.

6. **Any response to this final action should be mailed to:**

Box A.F.

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

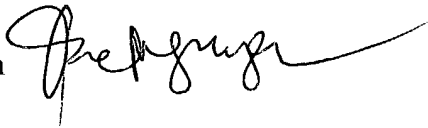
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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (703) 306-4531, Monday-Thursday (9:00 AM - 5:00 PM). Or to Edward Urban (Supervisor) whose telephone number is (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Duc M. Nguyen

A handwritten signature in black ink, appearing to read 'Duc M. Nguyen', with a long, sweeping horizontal stroke extending to the right.

Oct 12, 2004